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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,952	02/04/2004	Yoshiro Udagawa	1232-5277	5312

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NEW YORK, NY 10281-2101

EXAMINER
QUIETT, CARRAMAH J

ART UNIT	PAPER NUMBER
2622	

NOTIFICATION DATE	DELIVERY MODE
10/09/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOPatentCommunications@Morganfinnegan.com
Shopkins@Morganfinnegan.com
jmedina@Morganfinnegan.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 July 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-8</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-8</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>04 February 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   The amendment(s), filed on 07/02/2007, have been entered and made of record. Claims 1-8 are pending.

Response to Arguments

2.   Applicant's arguments filed 07/02/2007 have been fully considered but they are not persuasive.

The Applicant asserts that the cited prior art, Kidono et al. – U.S. Pat. #6,970,193 (herein referred to as Kidono) does not teach "the correction means" as recited in claim 1. On pages 5 and 6 of the Remarks (filed 07/02/2007), the Applicant states that (in reference to the Kidono reference), "…the eliminating of smears of image signals is based upon the correction reference signal which is generated in the digital process circuit, not based upon a reference signal stored in the EEPROM, which the office action asserts discloses the "pixel defect information storage means"…" The Examiner respectfully disagrees. In col. 8, lines 31-36, Kidono additionally explains that, "The image signal of the effective pixel region EP after the smear correction processing is furthermore subjected to pixel defect compensation by a known pixel defect compensation means. *Such processing is rendered at the digital process circuit 8 on the basis of fault pixel address data stored in the EEPROM 8.*"

Accordingly, Kidono satisfies the claimed limitations of Applicant's claim 1. Therefore, the Examiner maintains the prior art rejections to claims 1-8 of the present application.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

4.   **Claim 8** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-

statutory subject matter. It is improper to not have a computer for executing a program for an

image sensing apparatus as recited in claim 8. When a claim is directed to a computer program,

the preamble should be written as (for example), "A computer-readable recording medium

encoded with a computer program..."

Claim Rejections - 35 USC § 102

5.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

6.   **Claims 1-8** are rejected under 35 U.S.C. 102(e) as being anticipated by Kidono et al.

(U.S. Pat. #6,970,193).

For **claim 1**, Kidono discloses an image sensing apparatus (fig. 1) having an image

sensing device (5) (col. 3, lines 59 – col. 4, line 31), comprising:

driving means (6) for driving the image sensing device by a plurality of driving schemes

(col. 4, lines 7-31);

pixel defect information storage means (18) for storing pixel defect information as

information about a pixel defect in the image sensing device in correspondence with each driving

scheme (col. 5, lines 25-37); and

correction means (8) for correcting the pixel defect by referring to the pixel defect

information in said pixel defect information storage means in accordance with the driving

scheme with which said driving means drives the image sensing device (col. 4, lines 18-31).

For **claim 2**, Kidono discloses the image sensing apparatus wherein the pixel defect

information is formed from basic pixel defect information generated by driving the image

sensing device by a basic driving scheme and detecting the pixel defect and the other pixel defect

information corresponding to the other driving scheme, which is generated on the basis of a

relationship between said other driving scheme and the basic driving scheme and the basic pixel

defect information (col. 4, line 60 – col. 5, line 63).

For **claim 3**, Kidono discloses the image sensing apparatus wherein the basic driving

scheme is a driving scheme that reads all pixels of the image sensing device (the effective region

and the OB region; col. 4, line 60 – col. 5, line 63).

For **claim 4**, Kidono discloses the image sensing apparatus wherein a data amount of said

other pixel defect information is smaller than that of the basic pixel defect information (OB

region; col. 4, line 60 – col. 5, line 63).

For **claim 5**, Kidono discloses the image sensing apparatus wherein said pixel defect

information storage means is a nonvolatile recording medium (EEPROM; col. 5, lines 25-37).

For **claim 6**, Kidono teaches an image sensing method using an image sensing apparatus

having an image sensing device (col. 3, lines 59 – col. 4, line 31) and driving means for driving

the image sensing device by a plurality of driving schemes (col. 4, lines 7-31), comprising:

correcting a pixel defect by referring to pixel defect information in pixel defect

information storage means in accordance with the driving scheme with which the driving means

drives the image sensing device (col. 4, lines 18-31), the pixel defect information storage means

storing the pixel defect information as information about the pixel defect in the image sensing

device in correspondence with each driving scheme (col. 5, lines 25-37).

For **claim 7**, Kidono discloses a computer-readable recording medium which records a

program for an image sensing apparatus (inherent because the system controller controls the

camera; col. 3, lines 59 – col. 4, line 31) having an image sensing device (5) and driving means

(6) for driving the image sensing device by a plurality of driving schemes (col. 4, lines 7-31),

characterized by causing a computer (12) in the image sensing apparatus to execute processing

for correcting a pixel defect by referring to pixel defect information in pixel defect information

storage means in accordance with the driving scheme with which the driving means drives the

image sensing device (col. 4, lines 7-31), the pixel defect information storage means (18) storing

the pixel defect information as information about the pixel defect in the image sensing device in

correspondence with each driving scheme (col. 5, lines 25-37).

For **claim 8**, Kidono discloses a program for an image sensing apparatus (inherent

because the system controller controls the camera; col. 3, lines 59 – col. 4, line 31) having an

image sensing device (5) and driving means (6) for driving the image sensing device by a

plurality of driving schemes (col. 4, lines 7-31), characterized by causing a computer (12) in the

image sensing apparatus to execute processing for correcting a pixel defect by referring to pixel

defect information in pixel defect information storage means in accordance with the driving

scheme with which the driving means drives the image sensing device (col. 4, lines 7-31), the

pixel defect information storage means (18) storing the pixel defect information as information

about the pixel defect in the image sensing device in correspondence with each driving scheme

(col. 5, lines 25-37).

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Carramah J. Quiett whose telephone number is (571) 272-7316.

The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CJQ
September 28, 2007
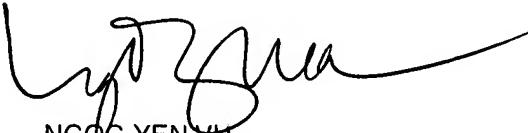
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